

Panaji, 4th March, 1982 (Phalgun 13, 1903)

SERIES I No. 49

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Industries and Labour Department

Notification

5-93/80-ILD

In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), and all other powers enabling it in this behalf, the Lieutenant Governor of Goa, Daman and Diu, hereby makes the following rules so as to further amend the Goa, Daman and Diu, Minor Minerals Extraction and Removal Rules, 1974 namely:

1. *Short title and commencement.*— (1) These rules may be called the Goa, Daman and Diu Minor Minerals Extraction and Removal (Amendment) Rules, 1981.

(2) They shall come into force at once.

2. *Amendment of rule 2.*— In rule 2 of the Goa, Daman and Diu Minor Minerals Extraction and Removal Rules, 1974 for Sub-rule (1), the following sub-rule shall be substituted, namely:—

(1) In these rules, unless there is anything repugnant to the subject or context:—

(i) "Competent Officer" means the Director of Industries and Mines, Government of Goa, Daman and Diu, and includes any officer appointed by the Government to exercise and perform all or any of the powers and functions of the competent officer under these rules;

(ii) "Government" means the Government of the Union territory of Goa, Daman and Diu;

(iii) "Inspecting Officer" means the Chief Mining Engineer or the Senior Technical Assistant or the Assistant Geologist in the Directorate of Industries and Mines, Government of Goa, Daman and Diu, or any other officer appointed by the Government to exercise and perform all or any of the powers and functions of the inspecting officer under these rules;

(iv) "Mamlatdar" means a person appointed as a Mamlatdar by the Government under section 4 of the Goa, Daman and Diu Land Revenue Code, 1968 (Act 9 of 1969);

(v) "Mining lease" means a lease to mine, quarry, bore, dig and search for win, work and carry away any minor minerals specified therein;

(vi) "Minor Minerals" means minor minerals as defined by clause (e) of section 3 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957) and includes stones used for making house-hold utensils, boulder, shingle, chuleeshell, kankar and limestone used for lime burning, murrum brick earth, fullers earth bentonite, road building material, as per Notifications from Ministry of Mines and Fuel No. MII-159(ii)/59; MII-159(6)/57; MII-159(18)/54-A-II respectively;

(vii) "Panchayat Secretary" means a person appointed as a Secretary for a Panchayat under sub-section (1) of Section 27 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (9 of 1962);

(viii) "Private Person" shall include an individual, a company, a joint family, an association or body of individuals whether incorporated or not, a comunidade, temple, church, mosque, a religious or charitable institution and any institution capable of holding property;

(ix) "Quarrying licence" means a licence granted under Chapter IV of these rules to explore, locate and prove minor mineral deposits specified therein;

(x) "Specified minor mineral" means limestone, limeshell and such other minor minerals as may be specified by the Government by notification in the Official Gazette.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 25th February, 1982.

Law Department (Legal Advice)

Notification

7/1/81-LGL

The Cine-workers Welfare Fund Act, 1981 (Act 33 of 1981) which has been passed by Parliament and

assented to by the President of India on 17-9-1981, and published in Gazette of India Extraordinary Part II, section I, dated 19-12-1981 is hereby republished for the information of the public.

R. V. Durbhatkar, Under Secretary (Law).

Panaji, 28th January, 1982.

The Cine-Workers Welfare Fund Act, 1981

AN ACT

to provide for the financing of activities to promote the welfare of certain cine-workers.

Be it enacted by Parliament in the Thirty-second Year of the Republic of India as follows: —

1. Short title, extent and commencement. — (1)

This Act may be called the Cine-workers Welfare Fund Act, 1981.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions. — In this Act, unless the context otherwise requires, —

(a) "cinematograph film" has the same meaning as in the Cinematograph Act, 1952;

37 of 1952.

(b) "cine-worker" means an individual —

(i) who has been employed, directly or through any contractor or in any other manner, in or in connection with the production of not less than five feature films to work as an artiste (including actor, musician or dancer) or to do any work, skilled, unskilled, manual, supervisory, technical, artistic or otherwise; and

(ii) whose remuneration with respect to such employment in or in connection with the production of each of any five feature films, has not exceeded, where such remuneration has been by way of monthly wages, a sum of one thousand rupees per month, and where such remuneration has been by way of a lump sum, a sum of five thousand rupees;

(c) "feature film" means a full length cinematograph film produced wholly or partly in India with a format and a story woven around a number of characters where the plot is revealed mainly through dialogues and not wholly through narration, animation or cartoon depiction and does not include an advertisement film;

(d) "Fund" means the Cine-workers Welfare Fund formed under section 3;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "producer", in relation to a feature film, means the person by whom arrangements necessary for the making of such film (including the raising of finance and engaging cine-workers for such film-making) are undertaken.

3. Cine-workers Welfare Fund. — There shall be formed a Fund, to be called the Cine-workers Welfare Fund, and there shall be credited thereto —

(a) such amounts as the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from out of the proceeds of the duty of excise credited under section 5 of the Cine-workers Welfare Cess Act, 1981, after deducting therefrom the cost of collection as determined by the Central Government under this Act;

(b) any grants made to the Fund by the Central Government;

(c) any money received as donations for the purposes of this Act;

(d) any income from investment of the amounts in the Fund.

4. Application of Fund. — (1) The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with measures and facilities which, in the opinion of that Government, are necessary or expedient to promote the welfare of cine-workers; and, in particular, —

(a) to defray the cost of such welfare measures or facilities for the benefit of cine-workers as may be decided by the Central Government;

(b) to provide assistance in the form of grants or loans to indigent cine-workers;

(c) to sanction any money in aid of any scheme for the welfare of the cine-workers which is approved by the Central Government;

(d) to meet the allowances, if any, of the members of the Advisory Committees and the Central Advisory Committee constituted under sections 5 and 6 respectively and the salaries and allowances, if any, of persons appointed under section 8;

(e) any other expenditure which the Central Government may direct to be defrayed from the Fund.

(2) The Central Government shall have power to decide whether any particular expenditure is or is not debitable to the Fund, and its decision shall be final.

5. Advisory Committees. — (1) The Central Government may constitute as many Advisory Committees as it thinks fit to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by that Government, including matters relating to the application of the Fund.

(2) Each Advisory Committee shall consist of such number of persons as may be appointed to it by the Central Government and the members shall be chosen in such manner as may be prescribed:

Provided that each Advisory Committee shall include an equal number of members representing the Government, the cine-workers and the producers.

(3) The Chairman of each Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of the members of every Advisory Committee.

6. Central Advisory Committee. — (1) The Central Government may constitute a Central Advisory Committee to co-ordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the administration of this Act.

(2) The Central Advisory Committee shall consist of eleven members appointed by the Central Government and the members shall be chosen in such manner as may be prescribed:

Provided that the Central Advisory Committee shall include at least three members representing the Government, the cine-workers and the producers.

(3) The Chairman of the Central Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of the members of the Central Advisory Committee.

7. Power to co-opt, etc. — (1) An Advisory Committee or the Central Advisory Committee may, at any time and for such period as it thinks fit, co-opt any person or persons to the Advisory Committee.

(2) A person co-opted under sub-section (1) shall exercise all the powers and functions of a member under this Act but shall not be entitled to vote.

(3) An Advisory Committee or the Central Advisory Committee may, if it considers it necessary or expedient so to do, invite any person to attend its meeting and when such person attends any meeting, he shall not be entitled to vote thereat.

8. Appointment of Welfare Commissioners, etc., and their powers. — (1) The Central Government may appoint as many Welfare Commissioners, Welfare Administrators, Inspectors and such other officers and staff as it thinks necessary for the purposes of this Act and the Cine-workers Welfare Act, 1981.

(2) The Central Government may, by general or special order, direct a Welfare Commissioner to appoint such staff as is considered necessary for the purposes of this Act and the Cine-workers Welfare Cess Act, 1981.

(3) Every person appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

(4) Any Welfare Commissioner may, —

(a) with such assistance, if any, as he may think fit, enter, at any reasonable time, any place

which he considers it necessary to enter for carrying out the purposes of this Act and the Cine-workers Welfare Cess Act, 1981;

(b) do within such place anything necessary for the proper discharge of his duties; and

(c) exercise such other powers as may be prescribed.

9. Annual report of activities financed under the Act. — The Central Government shall, as soon as may be, after the end of each financial year, cause to be published in the Official Gazette, a report giving an account of the activities financed under this Act during the financial year, together with a statement of accounts.

10. Power to call for information. — The Central Government may require a producer to furnish, for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

11. Power to make rules. — (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for —

(a) the manner in which the Fund may be applied for the measures and facilities specified in sub-section (1) of section 4;

(b) the conditions governing the grant of any loan under clause (b) of sub-section (1) of section 4;

(c) the composition of the Advisory Committees and the Central Advisory Committee constituted under sections 5 and 6 respectively, the manner in which the members thereof shall be chosen, the term of office of such members, the allowances, if any, payable to them, and the manner in which the Advisory Committees and the Central Advisory Committee shall conduct their business;

(d) the recruitment, conditions of service and the duties of all persons appointed under section 8;

(e) the powers that may be exercised by a Welfare Commissioner, a Welfare Administrator and an Inspector appointed under section 8;

(f) the furnishing to the Central Government by a producer of such statistical and other information as may be required to be furnished under section 10;

(g) the form in which and the period within which the statistical and other information are to be furnished under clause (f);

(h) any other matter which has to be, or may be, prescribed by rules under this Act.

(3) In making any rule under clause (f) or clause (g) of sub-section (2), the Central Government may

direct that a breach thereof shall be punishable with fine which may extend to two thousand rupees.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Notification

LD/4/82(D)

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 13th day of January, 1982 and assented to by the Administrator on 19-2-1982, is hereby published for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 1st March, 1982.

The Goa, Daman and Diu Members of Legislative Assembly
(Removal of Disqualification) Act, 1982

(Act No. 1 of 1982)

AN
ACT

to provide for the removal of certain disqualifications for being chosen as, and for being, a member of the Legislative Assembly of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu Members of Legislative Assembly (Removal of Disqualification) Act, 1982.

(2) It shall come into force at once.

2. *Removal of Certain Disqualifications.*— A person shall not be disqualified for being chosen as, or for being, a member of the Legislative Assembly of Goa, Daman and Diu merely by reason of the fact that he holds any of the offices specified in the Schedule appended to this Act.

SCHEDULE

1. The office of the Chairman, Economic Development Corporation, Goa, Daman and Diu;
2. The office of the Chairman, the Kadamba Transport Corporation;
3. The office of the Chairman, Goa, Daman and Diu Housing Board;
4. The office of the Chairman or any member of any Committee or body appointed by the Government of Goa, Daman and Diu:

Provided that the Chairman or any member of such Committee or body does not receive any remuneration other than compensatory allowance.

Explanation.— For the purpose of this entry, "compensatory allowance" shall mean the travelling allowance, the daily allowance or such other allowance which is paid to the holder of the office for the purpose of meeting the personal expenditure in attending the meeting of the committee or body or in performing any other function as the holder of the said office.

U. D. SHARMA

Secretary to the Government
of Goa, Daman and Diu,
Law Department
(Legal Advice)

Secretariat,
Panaji-Goa.

Dated: 1st March, 1982.